

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
et al.,

No. C 25-01780 WHA

Plaintiffs,

v.

UNITED STATES OFFICE OF
PERSONNEL MANAGEMENT, et al.,

Defendants.

**NOTICE RE: PRELIMINARY
INJUNCTION COMPLIANCE**

This notice addresses two compliance concerns relating to the existing preliminary injunction.

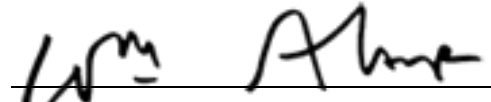
First, on May 12, the undersigned received a letter from 124 terminated probationers stating that the Department of Health and Human Services did not send them notices in compliance with Paragraph 4 of the undersigned's preliminary injunction (Dkt. No. 216-6; 219). On May 22, HHS's chief human capital officer, Thomas Nagy Jr., swore that HHS mailed written notices to each of the 124 terminated probationers (Dkt. No. 220-1). On July 2, the undersigned received yet another email from fired probationers stating that some had still not received any letter from HHS.

1 *Second*, some of the agency letters that *have* gone out do not comply with the terms of the
2 preliminary injunction, which required that relief defendant agencies provide recipients “with a
3 written statement, *directed to the employee individually*, stating that their termination was not
4 ‘performance’ or fitness based but was made as part of a government-wide mass termination”
5 (Dkt. No. 202 at 26 (emphasis added)). For example, the letter provided by the Department of
6 Commerce’s Office of the General Counsel nowhere identifies the employee at issue and is not
7 “directed to the employee individually” (*see* Dkt. No. 222-4 at 18). Each agency proved
8 capable of individually addressing the template termination letters used to fire these employees
9 — they should now be able to individualize the corrective letters ordered by the undersigned.

10 As summary judgment briefing continues, counsel for both sides shall work to resolve
11 both issues and be prepared to present those resolutions to the court at the August 28 hearing.
12 The government should be prepared with hard copies of the corrective letters sent by each
13 agency.

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15 **IT IS SO ORDERED.**

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17 Dated: July 23, 2025

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20 WILLIAM ALSUP
21 UNITED STATES DISTRICT JUDGE
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